

1 Here, Petitioner challenges a conviction and sentence incurred
2 in Los Angeles County Superior Court, which is in the venue of the
3 Western Division of the Central District of California. See 28
4 U.S.C. § 84. Accordingly, that is the proper venue for this
5 action.

6 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and
7 in the interest of justice, the Clerk of the Court is ordered to
8 TRANSFER this action forthwith to the United States District Court
9 for the Western Division of the Central District of California.

10 IT IS SO ORDERED.

11 Dated: 10/14/08

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14 CLAUDIA WILKEN
15 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JORNAY R RODRIGUEZ,

Plaintiff,

v.

JOHN MARSHALL et al,

Defendant.

Case Number: CV08-04036 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 14, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jornay Rechurnd Rodriguez P-16162
California Mens Colony
P.O. Box 8101
San Luis Obispo, CA 93409-8101

Dated: October 14, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California